# BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS STATE OF OREGON for the OREGON DEPARTMENT OF EDUCATION

)

IN THE MATTER OF THE EDUCATION OF )

OF ) FINAL ORDER OF DISMISSAL

Student and North Wasco School District ) Case No.: DP 14-114

# **FINDINGS OF FACT**

(1) On December 12, 2014, Parent filed a request for a due process hearing on behalf of Parent and Student, with the Oregon Department of Education, alleging that North Wasco School District (District) had failed to provide a free and appropriate education for Student as required under the Individuals with Disabilities Education Improvement Act of 2004 (IDEIA), 20 USC §§ 1400 *et seq.* Parent amended the due process request on December 15, 2014. District did not object to the amendment. The parties agreed in writing to waive the resolution meeting in favor of proceeding with mediation. Therefore, the resolution period ended on January 14, 2015 with no resolution session having been held.

(2) The matter was referred to the Office of Administrative Hearings (OAH) on December 12, 2014, to be set for hearing and was assigned to Senior Administrative Law Judge (ALJ) Bernadette H. Bignon. ALJ Bignon convened a pre-hearing teleconference on January 12, 2015. Rich Cohn-Lee, Attorney at Law, appeared on behalf of District. Neither Parent nor anyone representing Parent and/or Student, appeared at the scheduled time for the pre-hearing teleconference. Mr. Cohn-Lee informed ALJ Bignon that mediation was scheduled for January 16, 2015. Because the parties had scheduled mediation and were working towards resolution of the matter, District's request to extend the 45-day deadline to a date certain was granted. The hearing was set for March 10 through March 15, 2015, final order due on or before May 15, 2015. On January 13, 2015, ALJ Bignon issued a letter informing Parent of the matters discussed at the prehearing teleconference, including among other things, the dates set for hearing, the due date of the final order, and relevant deadlines.

(3) On January 26, 2015, Parent informed the OAH that the parties had reached an agreement in mediation and that Parent was requesting to withdraw the amended hearing request of December 15, 2014.

(5) Accordingly, based on Parent's request and representation that the parties have settled by agreement the issues raised in the December 15, 2014 amended due process hearing request, a contested case proceeding is no longer required. The matter will be dismissed with prejudice and the hearing scheduled for March 10 through March 15, 2015 will be removed from the calendar.

#### ORDER

The amended hearing request of December 15, 2014, regarding issues raised by Parent and Student against North Wasco School District, having been withdrawn, is **DISMISSED** with prejudice.

Bernadette H. Bignon

Senior Administrative Law Judge Office of Administrative Hearings

## **APPEAL PROCEDURE**

**NOTICE TO ALL PARTIES**: If you are dissatisfied with this Order you may, within 90 days after the mailing date on this Order, commence a nonjury civil action in any state court of competent jurisdiction, ORS 343.175, or in the United States District Court, 20 U.S.C. § 1415(i)(2). Failure to request review within the time allowed will result in LOSS OF YOUR RIGHT TO APPEAL FROM THIS ORDER.

ENTERED at Salem, Oregon this 26<sup>th</sup> day of January, 2015, with copies mailed to:

Jan Burgoyne, Oregon Department of Education, Public Services Building, 255 Capitol Street NE, Salem, OR 97310-0203.

#### CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing FINAL ORDER in Case No. DP 14-114 on the foregoing parties on the 26th day of January 2015 by depositing a copy of said document in a sealed envelope in the United States Mail at Salem, Oregon, with the postage thereon fully prepaid, and addressed to:

Parent(s) of XD PO Box 154 Mosier, OR 97040

Richard G. Cohn-Lee Attorney at Law Hungerford Law Firm LLP PO Box 3010 Oregon City, OR 97045

Candy Armstrong, Superintendent North Wasco School District 3632 W 10th Street The Dalles, OR 97058

Claudette Rushing, Legal Specialist Department of Education 255 Capitol Street NE Salem, OR 97310-0203

Ryan Clark for Lucy Garcia Hearing Coordinator Office of Administrative Hearings

# Office of Administrative Hearings Survey

### NOTE: This survey cannot be used to request your case be reopened, reconsidered or appealed.

The Office of Administrative Hearings is seeking feedback in an effort to improve service. Please take a moment to complete this survey and return it in the postage paid envelope provided.

e No: DP 14-114 Survey Date:					
Please Check One: Agency Rep 🗌 AAG 🗌 Party 🗌 Attorney/Lay Rep for Party		•			
Was the decision in your case favorable to you? Yes No	N/A				
	Excellent	Good	Fair	Poor	Don't Know
If you called or came into an OAH office, how would you rate the courtesy of OAH staff? Comments:					
Was the information in the notice of hearing accurate? Comments:					
Was the information in the notice of hearing adequate to prepare you for your hearing? Comments:			·		
How would you rate the length of time from when you received your notice of hearing to when your hearing took place? Comments:					
How would you rate the Administrative Law Judge's knowledge and skill? Comments:					-
How would you rate the impartiality of the Administrative Law Judge? Comments:					
Did the order clearly explain the decision? Comments:					